

Deposition of Chad Westendorf

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1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF SOUTH CAROLINA
3 CHARLESTON DIVISION

4 DEPOSITION OF CHAD WESTENDORF

5 NAUTILUS INSURANCE COMPANY,

6 Plaintiff,

7 vs. CASE NO. 2:22-cv-1307-RMG

8 RICHARD ALEXANDER MURDAUGH, SR., CORY FLEMING,
9 MOSS & KUHN, P.A., CHAD WESTENDORF, and
PALMETTO STATE BANK,

10 Defendants.
11

12 DEPONENT: CHAD WESTENDORF

13 DATE: JUNE 30, 2023
14

15 TIME: 1:57 P.M.

16 LOCATION: WALKER GRESSETTE FREEMAN & LINTON
17 CHARLESTON, SC

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Deposition of Chad Westendorf

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3 WITNESS PAGE

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13	EXHIBIT NO. 03	1/18/19 BANK STATEMENT	18
14	EXHIBIT NO. 04	TRANSFER RECORD	19
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1 CHAD WESTENDORF,
2 being first duly sworn, testified as follows:

3 EXAMINATION

4 BY MR. RANNIK:

5 Q. Good afternoon, Mr. Westendorf. We've
6 chatted a little bit today, but my name's Jaan
7 Rannik. I represent Nautilus Insurance Company
8 in this case.

9 I understand you've been deposed before,
10 correct?

11 A. That is correct.

12 Q. Just the one time?

13 A. Yes, sir.

14 Q. Okay. Let me just quickly go over the
15 rules of the deposition. I know you heard them
16 this morning.

17 But if you need a break at any time, let
18 me know, and we'll take one. I don't think this
19 is going to be very long. If you don't
20 understand a question that I ask, please let me
21 know that, and I will rephrase it. If you have
22 any doubts about what I'm asking, direct that
23 question to me. Because if you answer a
24 question, I'm going to assume you've understood
25 it; is that fair?

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1 A. Yes, sir.

2 Q. You may hear your attorney object to a
3 question. You still have to answer the question
4 unless you're instructed not to. Please --
5 you're already doing a great job of this, giving
6 verbal answers, yeses and nos, as opposed to head
7 nods and head shakes. The court reporter will
8 thank you. And let's make sure that we speak one
9 at a time, also, to hopefully make her life a
10 little bit easier.

11 Now, Mr. Westendorf, I want to just very
12 briefly ask you about the previous deposition
13 that you've given relating to your service as
14 personal representative for the Estate of Gloria
15 Satterfield.

16 That testimony was under oath, right?

17 A. Yes, sir.

18 Q. And you told the truth?

19 A. Yes, sir.

20 Q. And you had the opportunity to review
21 the transcript after you testified?

22 A. Yes, sir.

23 Q. And correct any errors?

24 A. Yes, sir.

25 Q. Did you correct any errors? Were there

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1 any?

2 A. I made one correction in there.

3 Q. Okay. What I'd like to do -- and I
4 think we can probably save an awful lot of
5 time -- is mark as Exhibit 1 a copy of that
6 transcript and the exhibits to it.

7 (Exhibit No. 01 marked for
8 identification.)

9 Q. I'm just going to ask you -- well, let
10 me represent to you that this is your testimony
11 in that prior deposition. Will you just have a
12 quick look at it and tell me if you agree.

13 A. I mean, it matches up with the number of
14 pages and everything. I mean, it looks like it's
15 it. Without reading it, I mean --

16 Q. Of course.

17 MS. ALLEN: Mr. Westendorf just
18 mentioned that he made one correction. Is that
19 document in this one?

20 MR. RANNIK: And actually, it's
21 not, no. I didn't have the errata page. And so
22 we will need to, of course, make a note on the
23 record here that this is not the final transcript
24 because there's been a correction.

25 MS. ALLEN: Okay. And can I

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1 supplement the exhibit with the errata page?

2 MR. RANNIK: Yes, please.

3 MS. ALLEN: Okay. I'll do that
4 after the deposition. Thank you.

5 Q. Mr. Westendorf, am I right that you
6 stand by the testimony you gave in that
7 deposition as you sit here today?

8 A. Yes, sir.

9 Q. And if I asked you the same questions,
10 I'd probably get the same information?

11 A. Yes, sir.

12 Q. What did you do to prepare for today's
13 deposition?

14 A. Just consulted with Christy.

15 Q. Didn't talk to anybody else?

16 A. No, sir.

17 Q. Did you review any documents?

18 A. I looked back over my deposition.

19 Q. I want to ask you some questions about
20 serving as a PR.

21 Based on what you know today, would you
22 agree that someone who serves as a conservator or
23 a PR has a responsibility to the person or the
24 estate that they're serving for?

25 A. As of today, yes, sir.

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1 Q. And you'd agree that it's wrong for
2 someone serving as a PR to loan money to
3 themselves from the money they're supposed to be
4 safeguarding, correct?

5 A. I would assume so, yes.

6 Q. And it would be wrong, of course, to
7 steal money from those accounts?

8 A. Of course.

9 Q. It's wrong to withhold money from the
10 person you're serving for when they're entitled
11 to that money?

12 A. That's correct.

13 Q. Is it wrong to use the money from one
14 person you're serving as PR for to pay back money
15 that was stolen from another person you were
16 serving as PR for?

17 A. Yes, sir.

18 Q. Wrong to misrepresent to the court that
19 someone who's under 18 -- sorry. Strike that.

20 Is it wrong to misrepresent to the court
21 that someone is under the age of 18 and,
22 therefore, needs a conservator account when you
23 know that they're over the age of 18?

24 MS. ALLEN: Object to the form.

25 A. Could you just say that one more time,

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1 please.

2 Q. Of course. Would it be wrong to tell a
3 court that someone is under 18 years old and,
4 therefore, they need a conservator account when
5 you know that they're actually over the age of
6 18?

7 MS. ALLEN: Same objection.

8 A. Yes.

9 Q. Would it be wrong to represent to the
10 court that someone lives in Hampton County when,
11 in fact, you know they live in Columbia?

12 MS. ALLEN: Object to the form.

13 A. Say that one more time.

14 Q. Sure. Would it be wrong to, on a
15 conservatorship or PR application, represent to
16 the court that the person or the estate is in
17 Hampton, South Carolina, when, in fact, you know
18 that they're in Columbus, South Carolina?

19 A. Yes, sir, that would be wrong.

20 MS. ALLEN: Same objection.

21 Q. Would it be wrong to do all of these
22 things that we've just talked about even if Alex
23 Murdaugh told you to do it?

24 A. Yes.

25 Q. Let's say that someone knew about all

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1 the instances of wrongdoing. Let's say they
2 happened and someone knew about it. And let's
3 say that it had happened every single time Alex
4 Murdaugh had asked someone to serve as a PR.

5 In that situation, do you think it's
6 reasonable to expect that something -- more
7 wrongdoing would occur if you serve as a PR for
8 Alex Murdaugh in the future?

9 MS. ALLEN: Object to the form.

10 MR. GRESSETTE: Objection.

11 A. You could assume that, yes.

12 Q. Are you aware that Mr. Laffitte has been
13 convicted of much of the things that we just
14 described in federal court?

15 A. Yes, sir.

16 Q. And would you agree that Mr. Laffitte
17 should have known that serving as a PR for
18 Mr. Murdaugh would lead to more wrongdoing?

19 MS. ALLEN: Object to the form.

20 A. I don't know. I can't answer that.

21 Q. If Mr. Laffitte's work as a conservator
22 or a PR for Mr. Murdaugh had involved wrongdoing
23 every time, you would expect by 2018 that
24 Mr. Laffitte would have understood that was the
25 gig, right?

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1 A. I would assume.

2 Q. When you were asked to serve as PR for
3 the Estate of Gloria Satterfield, you ran that
4 request by Mr. -- by Russell Laffitte, correct?

5 A. That is correct.

6 Q. Did he tell you anything about any of
7 the wrongdoing associated with serving as a
8 fiduciary for Alex Murdaugh when you asked?

9 MR. GRESSETTE: Objection.

10 A. No, sir.

11 Q. Did he tell you that Murdaugh had
12 substantial overdrafts?

13 A. No, sir.

14 Q. Did Mr. Laffitte tell you that when he
15 was a vice president like you were, he had caused
16 PSB to issue illegal loans to Alex Murdaugh from
17 a conservatorship account?

18 MS. ALLEN: Objection to the form.

19 MR. GRESSETTE: Objection.

20 A. He did not.

21 Q. Did he tell you that funds had been
22 disbursed in prior conservatorships in violation
23 of the disbursement statements approved by the
24 court?

25 A. He did not.

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1 Q. He should have informed you of these
2 things, though, right?

3 MR. GRESSETTE: Objection.

4 A. I would hope so.

5 Q. You would have liked to know?

6 A. Yes, sir.

7 Q. If you had known these things in 2018,
8 would you have agreed to serve as a PR for the
9 Estate of Gloria Satterfield?

10 A. No, sir.

11 Q. Would you have signed the application
12 for the appointment to be made a PR when Murdaugh
13 brought it to your office?

14 A. If I knew those things, no, sir, I
15 wouldn't have.

16 Q. Let me show you that or a document and
17 ask if you recognize it.

18 (Exhibit No. 02 marked for
19 identification.)

20 Q. Do you recognize this document?

21 A. Yes, sir.

22 Q. And what is this document?

23 A. Application for successor personal
24 representative.

25 Q. Now, can you please read for us --

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1 there's an X through one of the boxes on the
2 first page at the bottom there. It says:
3 "Priority for appointment of the successor
4 personal representative is, other, describe."

5 Do you see where I'm talking about?

6 A. Yes, sir.

7 Q. What does that say?

8 A. "Current personal representative desires
9 bank vice president to serve as personal
10 representative. Sole other heir concurs."

11 Q. Okay. And then if I can get you to turn
12 to the next page. At the top right, there's a
13 verification.

14 Is that your signature?

15 A. That is.

16 Q. What is the address that's provided
17 there?

18 A. 601 First Street West -- First Street --
19 excuse me -- Hampton, South Carolina 29924.

20 Q. And what's at that bank?

21 A. The bank, Palmetto State Bank.

22 Q. The telephone number, what telephone
23 number is that?

24 A. (803) 943-2671.

25 Q. And is that a bank phone number?

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1 A. Yes, sir. That's the correction I made
2 on the deposition, if I may say that.

3 Q. You may.

4 A. I did not type that and that's what I
5 told -- that it was already there.

6 Q. As part of serving as PR for the Estate
7 of Gloria Satterfield, you endorsed a check from
8 Nautilus, correct?

9 A. Yes, sir.

10 Q. I think you were at your office when you
11 did that?

12 A. That's correct.

13 Q. Did you receive a letter with that
14 check?

15 A. Yes, sir.

16 Q. And did that letter say these funds are
17 to be held in trust until an order approving the
18 settlement has been filed?

19 A. Yes, sir.

20 Q. If you had known of Alex Murdaugh's
21 wrongdoing in the past, would you have
22 endorsed -- well, let me ask you this. I'm
23 sorry. Did you do anything to ensure that an
24 order approving the settlement was filed before
25 the funds were distributed?

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1 A. No, sir.

2 Q. Because you trusted Cory Fleming, right?

3 A. That's correct.

4 Q. If you had known about Alex Murdaugh's
5 prior wrongdoing and you were in this position,
6 you probably would have checked more things,
7 right?

8 A. Correct.

9 Q. So let me ask you a little bit about
10 your employment or your work now with PSB.

11 So Mr. Malinowski told us about it and
12 that you're now an independent contractor. And
13 it sounded to me like you do sort of general
14 consulting work for the bank.

15 A. Yes, sir.

16 Q. Why the change from your prior role?

17 A. I was unable to be bonded under the
18 bank's bond.

19 Q. I see. Okay. Okay.

20 And that was as a result of the mess
21 with the Estate of Gloria Satterfield?

22 A. I assume so, yes, sir.

23 Q. And the bond that you were under, this
24 is the fidelity bond for the bank?

25 A. I would assume so. I don't know.

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1 Q. Now, you heard us also talk a little bit
2 earlier about the PR fee that you were paid?

3 A. Yes, sir.

4 Q. And that was \$30,000?

5 A. That's correct.

6 Q. And you refunded that to the
7 Satterfields or you paid that to the Bland
8 Richter firm?

9 A. Yes, sir, immediately.

10 Q. And that was -- did that come out of
11 your Palmetto State Bank account?

12 A. I borrowed the money.

13 Q. Okay.

14 A. I have a loan right now I'm paying back
15 for it.

16 Q. Okay. With Palmetto State Bank?

17 A. Yes, sir.

18 Q. When you were first contacted about
19 serving as the PR for the Estate of Gloria
20 Satterfield, I think you said it was right before
21 Thanksgiving and you were out of the office; is
22 that right?

23 A. Yes, sir.

24 Q. So it was a call you got on your cell
25 phone?

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1 A. That is correct.

2 Q. Is that a personal cell phone or one
3 that's provided to you by the bank?

4 A. Personal.

5 Q. Does the bank ever reimburse you for
6 cell phone expenses?

7 A. No, sir.

8 Q. It was a number that you had previously
9 before you worked at the bank?

10 A. No, sir.

11 Q. But it had nothing to do -- it was just
12 your private phone?

13 A. It's my private phone, yes, sir.

14 Q. Okay. Were you reimbursed for any
15 expenses incurred acting as the PR for the Estate
16 of Gloria Satterfield?

17 A. From who?

18 Q. From the bank.

19 A. They've been paying my legal fees.

20 Q. When you were the PR for the estate, did
21 the probate court require any kind of bond to be
22 posted?

23 A. Not that I'm aware.

24 Q. Did you know that Gloria Satterfield had
25 a bank account, or bank accounts, at PSB when she

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1 died?

2 A. I didn't.

3 Q. You did?

4 A. I did not.

5 Q. Did not. Okay.

6 A. Excuse me.

7 Q. Because those were not included as part
8 of the estate, right?

9 A. I guess, yes.

10 Q. And the funds didn't show up on the
11 final accounting for the estate?

12 A. That's right.

13 Q. I'd like to show you just a couple of
14 documents.

15 (Exhibit No. 03 marked for
16 identification.)

17 Q. This is a document, I'll represent to
18 you, that was produced in this litigation. Can
19 you tell from looking at it what this is?

20 A. Looks like a checking account for
21 Ms. Gloria Satterfield.

22 Q. And it shows that the balance is getting
23 zeroed out in January of 2019?

24 A. That's right.

25 Q. In January of 2019 you were already

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1 serving as the PR for the estate; is that
2 correct?

3 A. That is correct.

4 Q. If you look at the second page, which
5 you are, at the signature line there, what does
6 that say?

7 A. It looks like it says Michael
8 Satterfield, personal rep.

9 Q. Okay. But at this time, he was not the
10 personal rep; is that correct?

11 A. Not by my documents, no.

12 Q. Okay. I'd like to show you another
13 document produced in this case.

14 (Exhibit No. 04 marked for
15 identification.)

16 Q. And ask you if you can tell what this
17 is. I know it's not a lot to go on.

18 A. It looks like it's where I transferred
19 money from one account of Alec's to another per
20 Russell's request.

21 Q. And I was going to ask what your
22 involvement was. So you would have been the one
23 who effected the transfer?

24 A. Yes, sir.

25 Q. Did that happen often?

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1 A. If Russell wasn't at the office, I would
2 get a call from him and say, would you move that
3 from an account, line of credit, whatever, to a
4 checking account.

5 Q. Okay. Got it.

6 Do you happen to -- I don't know why you
7 would, but do you happen to recognize what those
8 two account numbers are on the left-hand side
9 there?

10 A. Not really.

11 Q. Yeah, no worries.

12 (Exhibit No. 05 marked for
13 identification.)

14 MS. ALLEN: Can I take a second to
15 look at this one? Because I haven't seen it.

16 MR. RANNIK: Of course, you can.
17 And, Christy, let me give you one more that's
18 coming.

19 MS. ALLEN: Okay. Let's step out
20 for a second.

21 (Brief recess.)

22 Q. So we're looking at Exhibit 5. What is
23 this document?

24 A. This is an exception sheet. This is
25 done on loans when -- by the loan officer when

1 they're done. And if there was any exceptions to
2 the loan -- which on this one, you can see it's
3 got a Y by credit score. So obviously, that
4 tells me the credit score was under 600. So
5 there was an exception there.

6 Q. And sorry. So we're clear, you're
7 talking about the beacon score being less than
8 600?

9 A. Correct.

10 Q. Beacon score is a credit score?

11 A. Yes, sir.

12 And then on line -- Code 30 would have
13 been loan terms outside guidelines. And that was
14 checked yes. So obviously, the term of that
15 loan, submitted by Russell as the loan officer,
16 and it just comes to another loan officer to sign
17 as a dual.

18 Q. Got it. Got it.

19 Was there any discussion with
20 Mr. Laffitte about this loan --

21 A. No, sir.

22 Q. -- at this time?

23 Okay. There's also -- if I can get you
24 to look at Code No. 22 on there.

25 A. Yes, sir.

1 Q. It says: "Debt service coverage ratio
2 less than 1.2 percent."

3 What does that mean?

4 A. Debt service coverage ratio is what we
5 use like our commercial loans to -- debt to
6 income, basically. And obviously, it was less
7 than that.

8 Q. Got it.

9 MR. RANNIK: All right. If we
10 could mark this as Exhibit 6, please.

11 (Exhibit No. 06 marked for
12 identification.)

13 Q. Mr. Westendorf, same question, what's
14 this document?

15 A. Environmental checklist is something
16 that's done on our renewals of our real estate
17 loans and basically says that it's an improved
18 property. And if there is any environmental
19 problems, you would check yes down there. It's
20 not my writing, though, so...

21 Q. Gotcha.

22 So you're listed as the inspecting
23 officer --

24 (Reporter clarification.)

25 Q. So you're listed as the inspecting

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1 officer, but you didn't fill out this form?

2 A. I did not.

3 Q. Okay.

4 A. But all the information looks right.

5 Q. Okay. Mr. Westendorf, another thing
6 that you heard Mr. Malinowski testify to is that
7 if you incur any business expenses that you want
8 reimbursed by the bank, you should submit an
9 expense form.

10 Have you ever done that?

11 A. Yes.

12 Q. Often?

13 A. Usually about once a year, I was
14 fortunate to go to a bankers convention. I was
15 involved with the bankers association before all
16 this. And the bank was nice enough to let me go
17 and they would reimburse me for my fees.

18 Q. Anything else you remember being on
19 any --

20 A. Maybe some gas, but other than that, I
21 can't remember any.

22 MR. RANNIK: Okay. All right.

23 Will you give me a moment to confer with counsel.

24 (Brief recess.)

25 Q. Just a few more questions.

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1 A. Sure.

2 Q. Did you ever submit a conflict of
3 interest report to the bank?

4 A. I did not.

5 Q. Okay. I'm going to show you what we
6 marked in the previous exhibit as Bank Exhibit 3.

7 Have you ever seen this document?

8 A. No, sir.

9 Q. Okay. And if you flip to the last page,
10 did you ever fill this out and submit it to the
11 bank?

12 A. No, sir.

13 Q. Thank you.

14 When you were approached about being PR,
15 I asked you if you had run that by Russell
16 Laffitte.

17 Is there anybody else at the bank you
18 ran that past?

19 A. When I went and spoke to Russell, I
20 asked him if I could serve as a PR in a case that
21 Alec was involved in. I didn't know what the
22 case was at that time. I asked him if he could
23 do it. He said, Let me talk to my dad. So both
24 him and Mr. Laffitte said I could do it.

25 Q. Okay. Did you ask anybody else? Did

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1 you ask the bank president? I think it was
2 Mr. Malinowski at that time.

3 A. I did not.

4 Q. All right. I'd like to quickly show
5 you --

6 MR. RANNIK: And, Christy, these
7 are some of the -- these are the settlement
8 document exhibits from the prior deposition.
9 These are copies, and I just want to go through
10 and authenticate them.

11 MS. ALLEN: Okay. Just give me a
12 second.

13 MR. RANNIK: Of course.

14 MS. ALLEN: Okay. Thank you.

15 MR. RANNIK: I'd like to mark this
16 collection of documents as Exhibit 7, please.

17 (Exhibit No. 07 marked for
18 identification.)

19 Q. Mr. Malinowski --

20 A. Westendorf.

21 Q. Mr. Westendorf. Sorry. Old habits.

22 A. Yes.

23 Q. So I've handed you Exhibit 7, which I
24 believe are the various documents relating to the
25 settlement of the case involving the Estate of

1 Gloria Satterfield.

2 Do you recognize these documents?

3 A. All but 19. I didn't see 19 until I was
4 at my deposition with Eric Bland.

5 Q. Okay. So let's go one at a time. The
6 one -- the first page of this exhibit, which is
7 marked with a 30 on it, you recognize that, and
8 that's your signature?

9 A. No. I recognize this from being shown
10 over time. That was after -- let's say after
11 Labor Day '21, I saw this. I never saw that
12 before that.

13 Q. Got it. Got it.

14 A. And that's Cory Fleming's signature.

15 Q. It is. I saw a C. Sorry. Jumping
16 ahead of myself.

17 All right. The next document is marked
18 Exhibit 24 to your previous deposition. Do you
19 recognize this?

20 A. Yes, sir.

21 Q. And is this an accurate copy of the
22 order approving settlement and the settlement
23 statement that you signed?

24 A. Yes, sir. I signed this in Judge
25 Mullen's chamber on the 13th of May, 2019.

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1 Q. Okay.

2 A. And she -- that's her on the -- on that
3 one.

4 Q. Right. You mean at the bottom of each
5 page?

6 A. Yes, and the final signature under
7 presiding judge.

8 Q. Okay. The next one, which was
9 Exhibit 23 to your previous deposition, do you
10 recognize this document?

11 A. Yes, sir.

12 Q. And is this a correct -- true and
13 correct copy of the petition for the approval of
14 that settlement?

15 A. It looks to be, yes, sir.

16 Q. And that's your signature on the pages 5
17 and 6?

18 A. Yes, sir.

19 Q. And the next is Exhibit 21 to your
20 previous deposition and this is a release of
21 claims against various parties.

22 Do you recognize this document?

23 A. Yes, sir.

24 Q. And is that your signature on the last
25 page?

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1 A. Yes, sir.

2 Q. And then I believe you told me 19 is one
3 that you had not seen until your first
4 deposition?

5 A. Yes, sir.

6 Q. Okay. And there's no signature by you
7 anywhere on this document, right?

8 A. No.

9 Q. All right. I asked you a bunch of
10 questions about what Mr. Laffitte did or did not
11 tell you when you asked if you could serve as PR
12 for the Estate of Gloria Satterfield. I forgot
13 one.

14 Did he tell you that he had been asked
15 to serve as the PR for the estate?

16 A. He did not.

17 Q. Did he tell you -- I assume he didn't,
18 therefore, tell you why he was not serving as the
19 PR?

20 A. He did not.

21 Q. Okay. Another bit of cleanup, if we
22 could go back to -- which exhibit was this?

23 A. No. 3.

24 Q. Right there, No. 3. Just to clarify,
25 this withdrawal, you didn't approve this

1 withdrawal as personal representative for the
2 Estate of Gloria Satterfield, correct?

3 A. No, sir.

4 Q. And the first time you knew anything
5 about this was probably at today's deposition?

6 A. That is correct.

7 Q. Did you ever have to submit a business
8 development proposal to the bank?

9 A. What do you mean by that?

10 Q. I mean sort of a plan of these -- I'm
11 going to try and bring in X amount of business or
12 these are the kinds of customers I'm going to try
13 and target or anything like that?

14 A. No. We used to have what was called a
15 call -- not a call report, but a call list. And
16 we'd try to go out couple times a month and just
17 visit people. And I'd turn that in to
18 Mr. Laffitte, but that's been 15, 20 years ago,
19 so...

20 Q. Okay.

21 A. That would be the only business
22 development I would have done.

23 MR. RANNIK: All right. Thank you
24 very much, Mr. Westendorf. That's all I've got
25 for you.

Deposition of Chad Westendorf

30

1 MR. PENDARVIS: No questions on
2 behalf of Mr. Fleming.

3 MR. HOOD: This is Bobby Hood. I
4 have no questions.

5 MR. GRESSETTE: None for the bank.

6 (Deposition concluded at 2:36 p.m.)

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